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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,207	10/22/2001	Phillip Hua-Kuan Wang	11001-2-US	2248
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Alfred H. Muratori			HUG, ERIC J	
421 MAGNOLIA BRANCH DRIVE APT#3 WINSTON-SALEM, NC 27104		AP 1#3	ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10(045,207 Examiner Art Unit Examiner Art Unit Examiner Art Unit Exh Hug 1731 2	5) = 1	Application No.	Applicant(s)			
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- The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Elevativos of time may be available under the provisions of 3 CER. 1.13(b), in no event, however, may a rapply be timely fined after 50 Kg) MONTHS from the maining date of this communication. Elevativos of time may be available under the provisions of 3 CER. 1.13(b), in no event, however, may a rapply be timely fined after 50 Kg) MONTHS from the maining date of this communication. **IND period for reply is specified about, he maken adultary period all gays and the opies 50 Kg) MONTHS from the maining date of this communication. **Fallule to reply within the set or extended period for reply will by defaults, cause the application is become ABANDCARED (58 U.S.C. § 133). **Apy reply replaced by the Cifful either than them embris after the maining date of this communication. **Pallule to reply within the set or extended period for reply will by default, cause the application is become ABANDCARED (58 U.S.C. § 130). **Apy reply replaced by the Cifful either than them embris after the maining date of the communication. **Pallule to reply within the set or certain them application is non-final. **3 Cifful Replaced to Communication (s) filled on 22 October 2001. **This action is FINAL. **2 Dip This action is filled to 22 October 2001 in the application. **4) Claim(s) 1-9 is/are ellowed. **6) Claim(s) 1-9 is/are ellowed. **70 The drawing(s) filled on 22 October 2001 is/are: a) acceptad or b) objected to by the Examiner. **In provision of drawing a rare required in repl	Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of three tray to available under the provisions of 37 CFR 1.15(6), in no event, however, may a neply be fimily filed Effective for tray specified above. The maximum datatory period will apply within the statutory minimum of thinty (20) days will be considered firmly. If the period for regly is pecified above, the maximum datatory period will apply under use open SIX (6) MONTH's from the mailing date of this communication. If the period for regly is pecified above, the maximum datatory period will apply under use open SIX (6) MONTH's from the mailing date of this communication, even if limitely filed, may reduce any control patient term adjustment. See S7 CFR 1.76(6). Status 1) ☑ Responsive to communication(s) filed on 22 October 2001. 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3] ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) is/are pending in the application. 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to by the Examiner. 10) ☑ The specification is objected to by the Examiner. 10) ☑ The proposed drawing correction filed on is: a) ☐ accepted or b) ☐ objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ His proved, corrected drawings are required in reply to documents have been received. 2. ☐ Certified copies of the priority docume						
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Application/Control Number: 10/045,207

Art Unit: 1731

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-4, drawn to a method of aligning an optical fiber with an optical device, classified in class 385, subclass 98.
- II. Claims 5-9, drawn to a method of connecting a first optical device with a first housing to a second optical device with a second housing, classified in class 65, subclass 406.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions achieve different objectives, namely invention I achieves alignment of optical devices via rotational means and invention II achieves a connection between the optical devices via a soldering technique.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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During a telephone conversation with Alfred Muratori on October 1, 2003, a provisional election was made without traverse to prosecute the invention of group I, claims 1-4.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 5-9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiryuscheva et al (US 5,859,947). Kiryuscheva discloses a positioning device for aligning optical devices. The device provides for alignment through angular rotations about two or more axes of rotation (column 2, lines 1-9). The device can be operated in a manner whereby the axes of rotation are mutually perpendicular. For example, in a two axes configuration, the first axis of rotation is substantially perpendicular to the second axis of rotation and the first axis of rotation intersects the second axis of rotation at the alignment point (column 2, lines 60-63). Also, the device has at least one axis of symmetry which substantially coincides with at least one of the axes of rotation (column 2, lines 64-67). The device provides for more than two axes of rotational alignment, therefore reads on the claimed first, second, and third axis of rotation.

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2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Itoh et al (US 4,986,843). Itoh discloses an apparatus for aligning and fusion splicing optical fibers. The device aligns the fibers by means of three-dimensional translation of the fibers along the x, y, and z axes, and additionally by rotation of fibers about their longitudinal axis. See particularly Figure 3 for an illustration of the axes of alignment.

- 3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierson (US 5,812,258). Pierson discloses an optical coupler for rotational alignment of two optical components. The coupler comprises eccentric sleeves which not only rotates at least one of the optical components about its longitudinal axis, but also provides for changing the angle of the axis of one of the optical components relative to the other. The result is motion in five axes, three being translational and two being rotational (see column 4, lines 5-36). The angle is formed at the junction of the two optical components, therefore the two axes of rotation intersect at the joining ends of the components.
- 4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Borner et al (US 3,800,388). Borner discloses an apparatus for aligning two optical components along a common axis, whereby each component is rotated about its optical (longitudinal) axis with respect to each other until the components are aligned.

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The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. NOTE: Each of these references teach rotational orientation of an optical component

about its longitudinal axis in regards to optical alignment or fusion with another optical

component.

Takahashi et al (US 6,467,973)

Hulten et al (US 6,151,919)

Rickman et al (US 6,212,320)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eric Hug whose telephone number is 703 308-1980. The

examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703 308-0651.

hm J

STEVEN P. GAILFIN SUPERVISORY PATENT EXAMINE R

TECHNOLOGY CENTER 1700